

**HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD**

R.A. No. 68 of 2024

[Qurban Ali v. The Revenue Mukhtiarkar & others]

Applicant : Qurban Ali through Mr. Ali Khan Laghari,
Advocate who is called absent today.

Respondents : The Revenue Mukhtiarkar and others
Nemo

Date of hearing
& Order : 23.04.2024

ORDER

YOUSUF ALI SAYEED, J. - No one is in attendance to pursue this Civil Revision Application, through which the Applicant has sought to impugn the Judgment of the learned 7th Additional District Judge, Hyderabad, dated 26.01.2024, dismissing Civil Appeal No. 23 of 2023 filed against the Judgment entered by the learned Senior Civil Judge-III, Hyderabad on 26.01.2022 in F.C. Suit No. 659 of 2017 instituted by the Respondent No.4. A perusal of the judgment of the Appellate Court reflects that the Appeal was dismissed as being barred by limitation in as much as the same was filed on 14.1.2023, with the Application filed therewith under Section 5 of the Limitation Act being found to be devoid of substance. The relevant excerpt from that Judgment reads as follows:-

“Record shows that the impugned Judgment and Decree was passed on 15.10.2022; thus, according to law such Decree should have been assailed within period of 30 days which means appeal should have been filed on or before 15.11.2022. However, the appeal has been filed on 14.01.2023 which means appeal has been filed after six days from expiry of appeal period. The time which has been utilized by the appellant in obtaining certified true copy is from 07.11.2022 to 21.11.2022 and even if such period is excluded, the appeal is still hopelessly time barred. The appellant has failed to produce any proof to explain such a huge delay in filing the appeal”.

Upon examination of that Application, it is manifest that the same does not adequately serve to explain the delay or set out any circumstances warranting condonation. As such, no discernible illegality or material irregularity can be said to afflict the Judgment of the Appellate Court. That being so, the captioned Revision is dismissed accordingly along with the pending miscellaneous applications.

JUDGE

Karar_Hussain/PS*